

UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF NEW YORK

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Uniformed Fire Officers Association; Uniformed  
Firefighters Association of Greater New York; Correction  
Officers' Benevolent Association of the City of New York,  
Inc.; Police Benevolent Association of the City of New  
York, Inc.; Sergeants Benevolent Association; Lieutenants  
Benevolent Association; Captains Endowment Association;  
and Detectives' Endowment Association,

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS**

20 Civ. 05441 (KPF)

Petitions/Plaintiffs,

-against-

Bill de Blasio, in his official capacity as Mayor of the  
City of New York; the City of New York; Fire  
Department of the City of New York; Daniel A. Nigro,  
in his official capacity as the Commissioner of the Fire  
Department of the City of New York; New York City  
Department of Correction; Cynthia Brann, in her  
official capacity as the Commissioner of the New York  
City Department of Correction; Dermot F. Shea, in his  
official capacity as the Commissioner of the New York  
City Police Department; the New York City Police  
Department; Frederick Davie, in his official capacity as  
the Chair of the Civilian Complaint Review Board; and  
the Civilian Complaint Review Board,

Respondents/Defendants.

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**PLEASE TAKE NOTICE**, that upon Defendants' Statement Pursuant To Rule  
7.1(a) of the Local Civil Rules of the Southern District of New York, dated September 4, 2020,  
the Declaration of Kami Z. Barker, dated August 14, 2020, and the exhibits annexed thereto,  
Defendants' Memorandum of Law In Support Of Their Motion To Dismiss, dated September 4,  
2020, and all prior papers and proceedings had herein, defendants will move this Court, before the  
Honorable Katherine Polk Failla, United States District Judge, Southern District of New York, at  
the Courthouse thereof, 500 Pearl Street, New York, New York, on a date and time to be set by

the Court, for an order, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the complaint in its entirety on the grounds that plaintiffs failed to state a claim or exhaust contractual remedies, entering judgment for defendants, and granting defendants costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to the order of the Court, dated August 28, 2020, any papers in opposition to defendants' motion to dismiss, if any, are to be served by October 16, 2020, and any reply is to be served by October 30, 2020.

Dated: New York, New York  
September 4, 2020

Respectfully Submitted,

**JAMES E. JOHNSON**  
Corporation Counsel of the  
City of New York  
Attorney for the Defendants  
100 Church Street  
New York, New York 10007-2601  
Mobile: (646) 960-1103

By: /s/  
Kami Z. Barker  
Assistant Corporation Counsel

To: **DLA PIPER LLP (US)**  
Attorney for Plaintiffs  
(By ECF)